IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 18142 of 2004

Between:

M/s. Eastern Power Distribution Company of A.P. Ltd.,

D.No.30-14-9, Sai Shakthi Bhavan,
Opp: Saraswathi Park, Daba Gardens, Visakhapatnam,

rep. by its chairman & M.D., Sri G. Sai Prasad.

..... PETITIONER

AND

1 Commercial Tax Officer, Chinawaltair Circle, Visakhapatnam.
2 Appellate Dy. Commissioner CT, Visakhpatnam.
3 Addl. Commissioner CT (L), A.P., Hyd.
4 Branch Manager, S.B.H., Visakhapatnam.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction particularly one in the nature of writ of certiorari after calling for to the fourth respondent in seeking to recover a sum of Rs. 3,57,52,068/- being the levy of entry tax for the years November, 03) and grant stay of collection of the disputed (April to June, 03) and 2003-04 (July to November, 03) pending disposal of the appeals before the Sales Tax Appelate Tribunal.

Counsel for the Petitioner:MR.SKRISHNA MURTHY

Counsel for the Respondents 1 to 3: SPECIAL GP FOR COMMERCIAL TAX

Counsel for the Respondent No.4:-----

The Court at the stage of admission made the following ORDER:(per BN,J)

We have heard the learned counsel for the parties.

Petitioner has already paid 12 ½% of the disputed tax at the time of filing first appeal and has to pay 37.5% at the time of filing of second appeal. He submits that the bank accounts have been attached. Therefore, he cannot pay the balance 37.5% of the disputed tax.

In these circumstances, we direct that on payment of 37.5% of the disputed tax within a period of four weeks, there shall remain stay till the disposal of the appeal. Attachment is lifted.

The writ petition is accordingly disposed of. No costs.

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(BILAL NAZKI, J)

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(S.ANANDA REDDY, J)

6th OCTOBER, 2004.

Note: wire at party’s costs.

B/o

Kvni/vrn

1 The Commercial Tax Officer, Chinawaltair Circle, Visakhapatnam.
2 The Appellate Deputy Commissioner CT, Visakhpatnam.
3 The Addl. Commissioner CT (L), A.P., Hyd.
4 The Branch Manager, S.B.H., Visakhapatnam.

5 Two CCs to the Government Pleader for Commercial Taxes, A.P.High Court Buildings, Hyderabad (OUT)

6 Two CD copies.